

Remarks

1. Status of the Claims

Presently pending are claims 1-33, of which claims 1, 27, 30, and 32 are independent and the remainder are dependent.

2. Summary of the Office Action

In the office action mailed March 6, 2008, the Examiner rejected claims 1-7, 13, 14, 16, 17, 19-21, 30, 32, and 33 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,714,791 (Friedman). Further, the Examiner rejected claims 8, 10-12, and 15 under 35 U.S.C. § 103(a) as being allegedly obvious over Friedman in view of U.S. Patent No. 6,477,387 (Jackson), the Examiner rejected claims 18 and 22 under 35 U.S.C. § 103(a) as being allegedly obvious over Friedman in view of U.S. Patent No. 6,504,503 (Saint-Hilaire), the Examiner rejected claim 23 under 35 U.S.C. § 103(a) as being allegedly obvious over Friedman in view of U.S. Patent No. 6,119,014 (Alperovich), and the Examiner rejected claim 27 under 35 U.S.C. § 103(a) as being allegedly obvious over Friedman in view of U.S. Patent No. 6,668,173 (Greene).

In addition, the Examiner objected to claims 9, 24-26, 28, 29, and 31, but indicated that they would be allowable if rewritten in independent form.

3. Consideration of Information Disclosure Statement

The Examiner indicated that on March 6, 2008, the Examiner initialed pages 1 and 2 of the information disclosure statement filed October 26, 2007. However, Applicants have not received a fully initialed copy of that information disclosure statement and the fully initialed copy is not posted on PAIR.

PAIR lists the information disclosure statement as being a list of references cited by applicant and considered by the Examiner. Therefore, Applicants understand the Examiner has considered the references cited in that information disclosure statement, even though the information disclosure statement as posted on PAIR is not initiated by the Examiner.

4. Response to Rejections

a. Claims 1-8, 10-13, 14-23, 30, and 32-33

Of these claims, claims 1, 30, and 32 are independent and stand rejected as being allegedly anticipated by Friedman.

Claim 1 recites a location-reporting method comprising "receiving a location-reporting request from a first mobile subscriber, responsive to the request, making a determination that a second mobile subscriber is located in a zone in common with the first mobile subscriber, and responsive to the determination, sending a location-reporting message to the second mobile subscriber, the location-reporting message indicating a location of the first mobile subscriber."

Claim 30 recites a similar method and claim 32 recites a similar system to claim 1.

Friedman teaches a method in which the first mobile subscriber's position is transmitted to each of the plurality of users requested. Friedman does not, however, teach considering whether the second mobile subscriber is located in a zone in common with the first mobile subscriber. In contrast, in the method recited by claim 1, after a request is submitted to report the location of a first mobile subscriber to a second mobile subscriber, a determination is made whether the second mobile subscriber is located in a zone in common with the first mobile subscriber. Friedman does not make this determination and therefore does not use such a determination to decide whether to transmit the first mobile subscriber's location to a second mobile subscriber.

In rejecting the claims, the Examiner asserted that Friedman teaches the element of "making a determination that a second mobile subscriber is located in a zone in common with the first mobile subscriber" in that Friedman teaches at column 13, lines 2-21 and lines 62-67 the concept of considering proximity between users. Yet the cited portions of Friedman, like the remainder of Friedman, in fact do not teach this claim element.

Column 13, lines 2-21, of Friedman teaches, at best, the concept of reporting User A's location at various levels of granularity to Users B and C, pursuant to User A's preferences. That clearly does not amount to the element of "making a determination that a second mobile subscriber is located in a zone in common with the first mobile subscriber" that the Examiner asserted Friedman teaches.

Column 13, lines 62-67, of Friedman teaches, at best, the concept of generating an alert if a given user (e.g., Dave or Andy) moves to within a specified distance of another user (e.g., Jackie). This disclosure of Friedman again does not amount to the element of "making a determination that a second mobile subscriber is located in a zone in common with the first mobile subscriber" that the Examiner asserted Friedman teaches. Rather, this disclosure of Friedman simply involves generating an "alert" in response to users being in proximity. Yet Friedman does not teach anything about such an alert indicating location, and so the alert is inapposite, regardless of the fact that it is generated in response to the users being within a certain distance of each other. And furthermore, even if the alert indicated location, Friedman also does not teach anything about determining that a location-reporting recipient is within a zone in common with a location-reporting requester as more particularly recited in Applicants' claims.

As far as Applicants can tell, it seems that the Examiner might interpret mere proximity of users to mean that one user is necessarily located in a zone in common with another user. However, this interpretation is incorrect. The fact that one user may be nearby another user does not mean that the user is located in a zone in common with the other user. Indeed, to determine that one user is located in a zone in common with another user, it would be necessary to determine that each user is located within that same zone. Mere determination that two users are located within a certain distance of each other does not amount to determining that both users are located within the same zone. Furthermore, it is of course possible that two users could be located very close to each other and yet *not* be located within a common zone.

Ultimately, Friedman does not teach "making a determination that a second mobile subscriber is located in a zone in common with the first mobile subscriber" as in Applicants' claims. Therefore, Friedman does not anticipate Applicants' claims.

Having erroneously concluded that Friedman teaches "responsive to the request, making a determination that a second mobile subscriber is located in a zone in common with the first mobile subscriber," the Examiner went on to assert that Friedman also teaches "responsive to the determination, sending a location-reporting message to the second mobile subscriber, the location-reporting message indicating a location of the first mobile subscriber." In particular, the Examiner apparently asserted that Friedman teaches this at Figure 11 and at column 13, lines 35-49, and column 13, line 62 to column 14, line 10.

This conclusion by the Examiner is erroneous at a minimum because Friedman fails to teach making the determination as discussed above and so Friedman necessarily fails to disclose taking action "responsive to the determination."

In fact, the portions of Friedman on which the Examiner relied in this regard teach merely the concepts of sending a location-reporting message, and of generating an alert when users are within a certain distance of each other. The idea of sending a location-reporting message does not amount to "responsive to the determination, sending a location-reporting message to the second mobile subscriber, the location-reporting message indicating a location of the first mobile subscriber", at a minimum because the location-reporting message is not sent "responsive to the determination." Furthermore, as discussed above, Friedman's teaching of generating an alert in response to being within a certain distance of another user does not amount to sending a location-reporting message in response to a determination that the second mobile subscriber is located within a zone in common with the first mobile subscriber as recited in Applicants' claims.

Ultimately, Friedman does not teach "responsive to the determination, sending a location-reporting message to the second mobile subscriber, the location-reporting message indicating a location of the first mobile subscriber" as in Applicants' claims. Thus, for this reason as well, Friedman does not anticipate Applicants' claims.

For at least these reasons, Friedman does not anticipate independent claims 1, 30, and 32. Therefore, Applicants submit that independent claims 1, 30, and 32 are allowable. Further, without conceding the Examiner's additional assertions regarding dependent claims 2-8, 10-13, 14-23, Applicants submit that dependent claims 2-8, 10-13, 14-23 are allowable for at least the reason that they each depend from allowable independent claim 1, and that claim 33 is allowable for at least the reason that it depends from allowable claim 32.

b. Claim 27

Claim 27 is independent and stands rejected as being allegedly obvious over Friedman in view of Greene.

Claim 27 recites a location-reporting method comprising "receiving a location-reporting request from a first mobile subscriber, the location-reporting request reflecting a request to report a location of the first mobile subscriber to at least a second mobile subscriber, making a determination of whether reporting of the first mobile subscriber's location to the second mobile subscriber is blocked, and if the determination is that reporting of the first mobile subscriber's location to the second mobile subscriber is not blocked, then reporting the first mobile subscriber's location to the second mobile subscriber provided that the second mobile subscriber is located in a zone in common with the first mobile subscriber."

In rejecting this claim, the Examiner relied on the teachings of Friedman that the Examiner cited in the rejection of claim 1, and the Examiner asserted that what Friedman lacked was determining that reporting the first mobile subscriber's location to the second mobile subscriber is blocked. In fact, Friedman is more deficient than that, for largely the same reasons discussed above. At a minimum, for the reasons discussed above, Friedman fails to teach "reporting the first mobile subscriber's location to the second mobile subscriber *provided that the second mobile subscriber is located in a zone in common with the first mobile subscriber.*" (Emphasis added).

Given that the Examiner apparently relied on Friedman for allegedly teaching the element of "reporting the first mobile subscriber's location to the second mobile subscriber provided that the second mobile subscriber is located in a zone in common with the first mobile subscriber" and given that Friedman does not teach that element, the Examiner's rejection of claim 27 lacks the sound factual underpinnings required by law to establish *prima facie*

obviousness. More specifically, because Friedman does not disclose "reporting the first mobile subscriber's location to the second mobile subscriber provided that the second mobile subscriber is located in a zone in common with the first mobile subscriber" and because the Examiner has not pointed to any other objective evidence suggesting or reasonably leading to the invention of claim 27 including that element, the Examiner has not established *prima facie* obviousness of claim 27.

The Examiner's reliance on Greene in rejecting claim 27 does not change this fact, principally because the Examiner did not assert that Greene makes up for Friedman's failure to disclose "reporting the first mobile subscriber's location to the second mobile subscriber provided that the second mobile subscriber is located in a zone in common with the first mobile subscriber."

Because the invention of claim 27 would not follow reasonably or logically from the limited teachings of Friedman and Greene, and for all of the other reasons discussed above, Applicants submit that the Examiner has erred in rejecting claim 27 as being obvious over Friedman in view of Greene. Therefore, Applicants submit that claim 27 is allowable.

5. Response to Claim Objections

As noted above, the Examiner objected to claims 9, 24-26, 28, 29, and 31 as being dependent upon a rejected base claim but stated that these claims would be allowable if rewritten in independent form. Applicants submit that dependent claims 9, 24-26, 28, 29, and 31 are allowable for at least the reason that they each depend from one of allowable independent claims 1, 27, and 30. Therefore, Applicants submit that the claims should be allowed in their current form without the need to be rewritten in independent form.

6. Conclusion

For these reasons, Applicants respectfully request favorable reconsideration and allowance of all of the pending claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3347.

Respectfully submitted,

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